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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,272	08/01/2001	Howard W. Fingerhut	36968/206010	5345

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SCOTT P. ZIMMERMAN
P.O. BOX 3822
CARY, NC 27519

EXAMINER

LY, NGHI H

ART UNIT PAPER NUMBER

2686

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,272

Applicant(s)

FINGERHUT ET AL.

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-49 is/are pending in the application.
- 4a) Of the above claim(s) 11-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 46-48 is/are rejected.
- 7) ☒ Claim(s) 8 and 49 is/are objected to.
- 8) ☒ Claim(s) 11-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 04/19/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Page 1 of 3 of Form 1449/A/PTO does not include any reference number (or Page 1 of 3 of Form 1449/A/PTO does not list any reference).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukagoshi (US 6,058,311) in view of Illidge (US 6,101,394) and further in view of Fulton (US 6,393,298).

Regarding claim 1, Tsukagoshi teaches a method for transmitting data to selected wireless devices in a wireless network without assignment of a unique network address (see column 2, lines 3-14), respectively, to each of the wireless devices (see column 2, lines 3-14), the method comprising: provisioning a wireless device with at least a hardware serial number (HSN) (column 4, lines 21-42, see "unique identifier" or "subscriber number") and generic access numbers (GANs) (column 4, lines 21-42, see "temporary identifier"), registering with a service provider by selecting a GAN and transmitting the GAN as well as the HSN to the service provider, receiving a broadcast access number (BAN) (see column 4, lines 50-55) and an identification if a radio channel at the wireless devices (see column 4, lines 21-42), receiving a broadcast over the radio channel with the broadcast including data direct to the wireless device and associates with the BAN (see column 4, lines 21-42), and using the BAN to access the data directed to the wireless device and associate with the BAN from the broadcast made over the radio channel (column 7, lines 55-58 and column 9, lines 30-34, see "access").

Tsukagoshi does not specifically disclose causing the wireless device to use the identification of the radio channel to monitor the radio channel.

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Illidge teaches causing the wireless device to use the identification of the radio channel to monitor the radio channel (see column 6, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Illidge into the system of Tsukagoshi in order to monitor the current frequency that the MS is operating on (see Illidge, column 2, lines 26-27).

The combination of Tsukagoshi and Illidge does not specifically disclose multiple generic access numbers (GANs), registering with a service provider by selecting a GAN and transmitting the GAN as well as the HSN to the service provider.

Fulton teaches multiple generic access numbers (GANs) (see column 5, lines 34-46, Fulton teaches "randomly selects", the teaching of Fulton inherently teaches "multiple generic access numbers" as claimed), registering with a service provider by randomly selecting a GAN and transmitting the GAN as well as the HSN to the service provider (column 5, lines 34-46, see "random" or "randomly").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Fulton into the system of Tsukagoshi and Illidge in order to provide a system in which MINs are reused efficiently in a cellular or wireless application environment (see Fulton, column 1, lines 12-16).

Regarding claim 2, Tsukagoshi as modified by Fulton teaches receiving the BAN and identification of the radio channel at another wireless device having information needs in common with the wireless device, and to use the BAN to access the data the

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broadcast made over the radio channel (see Tsukagoshi, column 4, lines 21-42, see “unique identifier” or “subscriber number”).

Tsukagoshi as modified by Fulton does not specifically disclose causing another wireless device (see fig.1, devices 10, 12 and 16) to use the identification of the radio channel to monitor the radio channel

Illidge teaches causing another wireless device (see fig.1, devices 10, 12 and 16) to use the identification of the radio channel to monitor the radio channel (see column 6, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Illidge into the system of Tsukagoshi and Fulton in order to monitor the current frequency that the MS is operating on (see Illidge, column 2, lines 26-27).

Regarding claim 46, claim 46 is rejected with similar reason as set forth in claim 1 above.

Regarding claim 48, claim 48 is rejected with similar reason as set forth in claim 1 above.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukagoshi (US 6,058,311) in view of Illidge (US 6,101,394) and further in view of Fulton (US 6,393,298) and Zicker (US 5,465,388).

Regarding claim 3, Tsukagoshi as modified by Fulton teaches a method for transmitting data to selected wireless devices in a wireless network without assignment

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of a unique network address (see Tsukagoshi, column 2, lines 3-14). Tsukagoshi as modified by Fulton does not specifically disclose in response to accessing the data causing the wireless device to determine whether the data comprises a broadcast message.

Illidge teaches in response to accessing the data causing the wireless device to determine whether the data comprises a broadcast message (see column 1, lines 35-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Illidge into the system of Tsukagoshi and Fulton in order to monitor the current frequency that the MS is operating on (see Illidge, column 2, lines 26-27).

The combination of Tsukagoshi, Illidge and Fulton does not specifically disclose the data comprises a broadcast message by inspecting a structure of the data for a zero value in a data field for the HSN, indicating the broadcast message.

Zicker teaches the data comprises a broadcast message by inspecting a structure of the data for a zero value in a data field for the HSN, indicating the broadcast message (see column 9, lines 45-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Zicker into the system of Tsukagoshi, Illidge and Fulton in order to improve emergency cellular radiotelephone (see Zicker, column 2, lines 35-38).

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5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukagoshi (US 6,058,311) in view of Illidge (US 6,101,394) and Fulton (US 6,393,298) and further in view of Zicker (US 5,465,388) and Makino (US 4,856,083).

Regarding claim 4, the combination of Tsukagoshi, Illidge and Zicker teaches claim 3. The combination of Tsukagoshi, Illidge and Zicker does not specifically disclose the wireless device determines the data comprises the broadcast message by determining the data comprising serial number field containing zero.

Makino teaches the wireless device determines the data comprises the broadcast message by determining the data comprising serial number field containing zero (see column 3, lines 60-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Makino into the system of Tsukagoshi, Illidge and Zicker in order to prevent from turning to different radio channels without the need for a control channel (see Makino, Abstract).

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukagoshi (US 6,058,311) in view of Illidge (US 6,101,394) and further in view of Fulton (US 6,393,298) and Pinault (US 6,741,872).

Regarding claim 5, the combination of Tsukagoshi, Fulton and Illidge teaches claim 1. The combination of Tsukagoshi, Fulton and Illidge does not specifically disclose in response to accessing the data, causing the wireless device to determine whether the data comprises a point-to-point message for the wireless device.

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Pinault teaches in response to accessing the data, causing the wireless device to determine whether the data comprises a point-to-point message for the wireless device (see column 6, lines 43-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Pinault into the system of Tsukagoshi, Fulton and Illidge in order to provide a method of authorizing access to a cellular mobile radio network from a simplified telephone (see Pinault, column 2, lines 2-5).

Regarding claim 6, the combination of Tsukagoshi, Fulton and Illidge teaches claim 1. The combination of Tsukagoshi, Fulton and Illidge does not specifically disclose the wireless device determines the data comprises the point-to-point message by determining the data comprise a serial number field value matching the serial number of the wireless device.

Pinault teaches the wireless device determines the data comprises the point-to-point message by determining the data comprise a serial number field value matching the serial number of the wireless device (see column 6, lines 43-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Pinault into the system of Tsukagoshi, Fulton and Illidge in order to provide a method of authorizing access to a cellular mobile radio network from a simplified telephone (see Pinault, column 2, lines 2-5).

Regarding claim 7, the combination of Tsukagoshi, Fulton and Illidge teaches claim 1. The combination of Tsukagoshi, Fulton and Illidge does not specifically disclose the wireless device determines the data does not comprise the point-to-point message by determining the data comprising a serial number field that fails to match the serial number of the wireless device.

Pinault teaches the wireless device determines the data does not comprise the point-to-point message by determining the data comprising a serial number field that fails to match the serial number of the wireless device (see column 6, lines 43-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Pinault into the system of Tsukagoshi, Fulton and Illidge in order to provide a method of authorizing access to a cellular mobile radio network from a simplified telephone (see Pinault, column 2, lines 2-5).

7. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukagoshi (US 6,058,311) in view of Illidge (US 6,101,394) and further in view of Fulton (US 6,393,298) and Dent (US 6,526,279).

Regarding claim 47, the combination of Tsukagoshi, Fulton and Illidge teaches sending a wireless a registration response comprising the randomly-selected generic access number (GAN) (see Fulton, column 5, lines 34-46, Fulton teaches "randomly selects", the teaching of Fulton inherently teaches "multiple generic access numbers" as claimed).

The combination of Tsukagoshi, Fulton and Illidge does not specifically disclose sending multiple identification of multiple radio channels and further comprising receiving from the wireless device a signal strength of each radio channel.

Dent teaches sending multiple identification of multiple radio channels (see column 7, lines 17-32, Dent teaches “transmitting the associated signal strengths of the plurality of interference channels”, the teaching of Dent inherently teaches “sending multiple identification of multiple radio channels”) and further comprising receiving from the wireless device a signal strength of each radio channel (see column 7, lines 17-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dent into the system of Tsukagoshi and Illidge in order to operate with two or more wireless communications networks (see Dent, column 1, lines 10-12).

Allowable Subject Matter

8. Claims 8 and 49 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 8 and 49, the combination of Tsukagoshi, Illidge and Fulton teaches the wireless device receives a registration response comprising the randomly-selected generic access number (GAN) (see Fulton, column 5, lines 34-46, Fulton teaches “randomly selects”, the teaching of Fulton inherently teaches “multiple generic access numbers” as claimed). The combination of Tsukagoshi, Illidge and Fulton fails

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to teach the wireless device receives a registration response comprising multiple identifications of multiple radio channels, the wireless device switching to each radio channel and measuring a signal strength of each radio channel, the wireless device then sending a final request including the signal strength of each radio channel.

Response to Arguments

9. Applicant's arguments with respect to claims 1-7 and 46-48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

NHL
09/26/05

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600